



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 6, 1997

Mr. Chad Everingham
Brown McCarroll & Oaks Hartline
220 Energy Centre
1127 Judson Road
Longview, Texas 75601-5157

OR97-2456

Dear Mr. Everingham:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 109892.

Sabine Valley Center ("center") received a request for "all identifying/contact information concerning a former employee of the center." In response to the request, you submitted to this office for review the information you assert is responsive. You claim that the requested information is excepted from disclosure under section 552.024 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

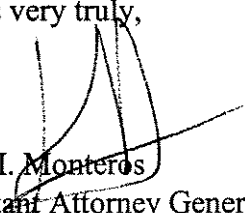
Section 552.117 of the Government Code excepts from public disclosure information relating to the home address, home telephone number, and social security number of a current or former government employee or official, as well as information revealing whether that employee or official has family members. Section 552.117 requires you to withhold this information for an official, employee, or former employee who requested that this information be kept confidential under section 552.024. *See* Open Records Decision Nos. 622 (1994), 455 (1987). You may not, however, withhold this information if the employee had not made a request for confidentiality under section 552.024 prior to the time this request for the documents was made. Whether a particular piece of information is public must be determined at the time the request is made. Open Records Decision No. 530 (1989) at 5.¹

¹We further note that even if the employee did not make the election to keep his or her social security number confidential prior to the center's receipt of this request, federal law may prohibit disclosure of his or her social security number. A social security number is excepted from required public disclosure under section 552.101 of the act in conjunction with the 1990 amendments to the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C)(viii)(I), if it was obtained or is maintained by a governmental body pursuant to any provision of law enacted on or after October 1, 1990. *See* Open Records Decision No. 622 (1994). Based on the information you have provided, we are unable to determine whether the social security number is confidential

Accordingly, as the employee made an election under section 552.024 to keep the information confidential prior to the time of this request, you must not release the information excepted by section 552.117.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Ref: ID# 109892

Enclosures: Submitted documents

cc: Ms. Sally A. Reagan, Ph.D.
16406 Fondren Grove Drive
Missouri City, Texas 77489
(w/o enclosures)

under this federal statute. We note, however, that section 552.352 of the Open Records Act imposes criminal penalties for the release of confidential information.

²We note however, that the birth date is not protected.